



E-Filed on 1/18/08

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3 Attorneys for USACM Liquidating Trust

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**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

5 In re:

6 USA COMMERCIAL MORTGAGE  
 COMPANY,

7 USA CAPITAL REALTY ADVISORS,  
 LLC,

8 USA CAPITAL DIVERSIFIED TRUST  
 DEED FUND, LLC,

9 USA CAPITAL FIRST TRUST DEED  
 FUND, LLC,

10 USA SECURITIES, LLC, Debtors.

11 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

12 Case No. BK-S-06-10725-LBR  
 Case No. BK-S-06-10726-LBR  
 Case No. BK-S-06-10727-LBR  
 Case No. BK-S-06-10728-LBR  
 Case No. BK-S-06-10729-LBR

13 CHAPTER 11

14 Jointly Administered Under Case No.  
 BK-S-06-10725 LBR

15 **NOTICE OF HEARING REGARDING  
 FOURTH OMNIBUS OBJECTION OF  
 USACM TRUST TO PROOFS OF  
 CLAIM BASED UPON  
 INVESTMENT IN THE ONE POINT  
 STREET, LLC – HFA NORTH  
 YONKERS LOAN; AND  
 CERTIFICATE OF SERVICE**

16 Date of Hearing: February 21, 2008  
 Time of Hearing: 9:30 a.m.

17 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM**  
**THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR**  
**CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE ONE**  
**POINT STREET, LLC – HFA NORTH YONKERS LOAN BECAUSE THE**  
**USACM TRUST CONTENDS THAT YOU HAVE BEEN PAID IN FULL FOR**  
**YOUR INVESTMENT IN THAT LOAN. THIS OBJECTION WILL NOT**



1           **IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN  
2 INVESTMENT IN A DIFFERENT LOAN.**

3           **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY  
4 COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS  
5 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM  
6 SHOULD BE DIRECTED TO THE UNDERSIGNED COUNSEL .**

7           **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and  
8 through its counsel, has filed its Fourth Omnibus Objection to Proofs of Claim Based  
9 Upon Investment in the One Point Street, LLC – HFA North Yonkers Loan (the  
10 “Objection”). Your Proof of Claim number and other information regarding your claim is  
11 provided in **Exhibit A**, attached. The USACM Liquidating Trust has requested that this  
12 Court enter an order, pursuant to section 502 of title 11 of the United States Code (the  
13 “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the  
14 “Bankruptcy Rules”), disallowing your Proof of Claim to the extent it is based upon an  
15 investment in the One Point Street, LLC – HFA North Yonkers Loan. The Objection will  
16 not impact your Claim to the extent it is based upon an investment in a different loan.

17           **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
18 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley  
19 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on  
20 **February 21, 2008, at the hour of 9:30 a.m.**

21           **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON February  
22 21, 2008, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND  
23 SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE  
24 HEARD ON THAT DATE.**

25           **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed  
26 by February 13, 2008 pursuant to Local Rule 3007(b), which states:



If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on the matter.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: January 18, 2008

LEWIS AND ROCA LLP

By /s/ Rob Charles (#6593)  
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Copy of the foregoing mailed by first class  
Postage prepaid U.S. Mail on  
January 18, 2008 to:

Parties listed on Exhibit A attached.

s/Renee L. Creswell  
Renee L. Creswell